

ENTERED

May 08, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STORE MASTER FUNDING XXIX, LLC, §

Plaintiff, §

VS. §

CIVIL ACTION NO. 4:23-CV-1194

**TRIANGLE CAPITAL PROPERTIES,
LLC, et al.,** §

Defendants. §

Before the Court is Third-Party Defendants STORE Master Funding XXIX, LLC and STORE Capital, LLC's (collectively "STORE entities") Motion to Dismiss (ECF No. 69) and Third-Party Defendants Cajun Operating Company ("Cajun") and Church's Houston Holdings, LLC's ("Church's") ("Cajun entities") Motion to Dismiss (ECF No. 75). This case was referred to Magistrate Judge Dena Hanovice Palermo pursuant to 28 U.S.C. § 636(b)(1) on April 2, 2024. ECF No. 30.

On April 10, 2025, Judge Palermo issued a Report and Recommendation (ECF No. 82) on STORE entities' Motion to Dismiss recommending that it be granted because of Third-Party Plaintiff Triangle Capital Properties, LLC's ("Triangle") failure to distinguish between the STORE entities in its amended third-party complaint. Judge Palermo also recommended that Cajun's Motion to Dismiss be denied and Triangle's third-party complaint against the Cajun entities, ECF No. 68, be severed from this case and transferred to Judge Hanks's court. The time for filing objections has passed, and no objections were filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and

Recommendation in its entirety. Accordingly, the STORE entities' motion to dismiss, ECF No. 69, is **GRANTED**, and Cajun's motion to dismiss, ECF No. 75, is **DENIED WITHOUT PREJUDICE**. Triangle's third-party complaint against the Cajun entities, ECF No. 68, is **SEVERED** from this case and **TRANSFERRED** to Judge Hank's court.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 29th day of April, 2025.



Keith P. Ellison
United States District Judge